

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 97-101-C - ORDER NO. 97-781
SEPTEMBER 11, 1997

IN RE: Entry of BellSouth Telecommunications,) ORDER
Inc. into InterLATA Toll Market) APPROVING
) MODIFIED SGAT

This matter comes before the Public Service Commission of South Carolina (the Commission) on the request by BellSouth Telecommunications, Inc. (BellSouth) for approval of its modified Statement of Generally Available Terms and Conditions (SGAT). BellSouth had submitted a modified version of its SGAT pursuant to the issuance of our Order No. 97-684, filed on August 25, 1997.

With one exception, we think that the terms of the modified SGAT are consistent with the reasoning stated in our prior Order approving the original SGAT, except where that reasoning must be modified by the July 18, 1997 decision of the Eighth Circuit Court of Appeals in the case of Iowa Utils. Board v. FCC. We therefore hold that, with that one exception, the modified SGAT is consistent with the Eighth Circuit opinion, as well as the prior reasoning of this Commission.

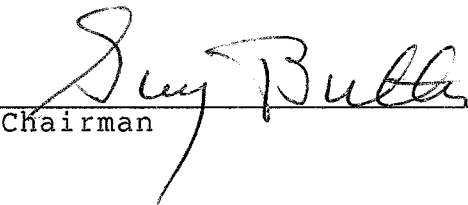
The Commission does, however, reject BellSouth's proposal to remove all references to "technically feasible" as the standard for which network elements must be made available. The Commission's approval of language referencing "technically

feasible" in its original decision was not predicated on the Eighth Circuit decision, and the Commission's interpretation of the Eighth Circuit decision indicates that this requirement is permissive, should the States choose to require the inclusion of this language.

BellSouth shall file ten (10) copies of the modified SGAT, but retaining the "technically feasible" terminology, within ten (10) days of the receipt of this Order. Further, the Staff is hereby instructed to take all steps necessary, including intervening, to support the Commission's decision in this matter before the Federal Communications Commission.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)